

**TO: MEMBERS OF THE JUDICIARY COMMITTEE**

**FROM: RICHARD G. ADAMS, Family Support Magistrate (FSM)**

**DATE: MARCH 26, 2009**

**HOUSE BILL 6700: AN ACT CONCERNING THE APPOINTMENT AND  
COMPENSATION OF FAMILY SUPPORT MAGISTRATES (Please Support)**

**SENATE BILL 858: AN ACT CONCERNING FAMILY SUPPORT  
MAGISTRATES (Please Oppose)**

I have been asked by the Connecticut Family Support Magistrates (not the Judicial Branch nor its FSM Division, but the magistrates themselves) to appear before you to transmit comments and concerns regarding the two proposals before your committee today, **House Bill 6700** and **Senate Bill 858**. Both of these bills would institute legislative review and approval of magistrates nominated by the Governor.

I would hope it would not come as a surprise to you, but just to be sure you know – all nine of the family support magistrates support the idea of legislative review of our appointments. I wouldn't want to say that everyone is exactly looking forward to it, but we all recognize that it would be good for our court and the important and demanding functions we perform to serve with legislative approval. The family support magistrates fully support the proposals contained in **House Bill 6700**. However, we object to the provision in **Senate Bill 858** that would have all of our current terms end on June 30, 2009. We are hoping that the Legislature, in fairness, will allow the family support magistrates to serve out our existing terms before new rules for our appointment and re-appointment take effect. **House Bill 6700**, in the first section, appropriately allows the current family support magistrates to complete our current three-year terms.

The public discussion surrounding these proposals has focused attention on the significance of the child support and paternity cases that we adjudicate daily. The nine family support magistrates now serving sit on dockets throughout the state in every judicial district. Any case pending in our court can, of course, generate multiple proceedings. We hear petitions to establish paternity and to set child support orders, including provision for health insurance, uninsured medical expenses, and day care costs. We decide motions to increase, decrease or terminate the orders. And we conduct hearings to decide whether parties are in contempt of court for failure to comply with the orders and, if so, what should be done about it. And we conduct a special docket of all such matters for the interstate cases. All these proceedings are governed by the Connecticut Child Support and Arrearage Guidelines, which establish complex but logical and consistent standards for child support orders. The entire process is also administered by specially trained court clerks, child protection and support enforcement staff and specially assigned assistant attorneys general.

In 2008, the nine of us, together with our three Magistrate Trial Referees, presided over more than 63,000 such proceedings. Obviously, most of the hearings must be short. Nevertheless, they are of enormous importance to the parties involved and the program as a whole is, I believe, important to our civic community and our economy. In seemingly limitless numbers, parents come before us expressing the full range of emotions when confronting the reality of being personally responsible to contribute to the support of their children and the obligation to diligently seek employment, even when jobs are scarce. Yet our court is nearly invisible to the public. Reporters do not cover our hearings, famous people do not appear before us and high powered lawyers are infrequent visitors.

Although we are not judges of the superior court, nevertheless, like them, my colleagues and I are judicial officers. We are governed by the same practice book and code of judicial ethics and are subject to the discipline of the same judicial review council (of which I am an alternate member). A very important distinction which remains between us in the nomination process is our method of appointment, which currently does not include legislative review or approval. And so we welcome the change you propose and also welcome the related proposal for longer terms. Of the two proposals before you, we prefer that contained within **House Bill 6700**, which calls for five-year terms following legislative approval.

Our single serious concern about **Senate Bill 858** is the plan to terminate all sitting magistrates' terms simultaneously at the end of June, direct the governor to reappoint us all, except for cause, and then conduct reviews of everyone this year, presumably as interim appointments, which would have to be heard a second time next session. We would like to see the new process applied, instead, to each FSM as he or she is nominated or re-nominated, for example, as proposed in **House Bill 6700**.

Four of the nine FSM's are still serving within or just beyond the first year of their first term. I think we all expected that our first three years would provide an opportunity to demonstrate a pattern of competent performance, with a reasonable hope of reappointment upon their successful completion. It would be understandably unsettling to them and their families to be told that they will be terminated in three months and face hearings and a vote of the legislature after only the first year of their first term of service, or in one case even less. Simultaneous proceedings on nine of us at once would also offer a logistical challenge – not insuperable, but a challenge nevertheless – and would be a serious distraction from the work of the court. Imagine how the operations of the superior court could be affected if all 180 plus judges faced review at the same time.

The Family Support Magistrates are thankful and supportive of the provisions contained within Section 2 of **House Bill 6700** which provide for a salary schedule that links our compensation much more closely to that of Superior Court Judges. The proposed mechanism is similar to the one in use for Worker's Compensation Commissioners. We very much appreciate the new proposal and ask you to adopt it.

Our court provides a fine and special service to Connecticut and is staffed and supported by able, committed, hard working people. I look forward to seeing it strengthened and recognized for its value. Your interest in our court has already helped to move us in that direction and I look forward to working with you with that purpose in mind. Our hearings are, of course, open to the public. We would be honored to be observed by members of the committee, at any time. No advance notice required.

Thank you very much for your consideration of our position on these two bills; we respectfully ask the Judiciary Committee to act favorably on **House Bill 6700**.

Please contact me (cellphone: 860-638-8580) or our representative, Attorney Robert Shea (cellphone: 860-989-5567), if you should have any follow-up questions or comments.